

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

MIKE NEUGEBAUER

§

VS.

§

CIVIL ACTION NO. 1:07cv899

WARDEN FOX

§

MEMORANDUM OPINION REGARDING VENUE

Petitioner Mike Neugebauer, an inmate confined in the Federal Correctional Institute at Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus.

Discussion

Petitioner was previously convicted of a criminal offense in a North Dakota state court. While incarcerated in a prison in Bismarck, North Dakota, he asserts he was received a prison disciplinary conviction. He further asserts the conviction was unconstitutional. Petitioner states that following the disciplinary conviction, he was transferred to the Bureau of Prisons to continue service of his state sentence.

As petitioner is challenging a prison disciplinary conviction, he does not assert that his current federal confinement is unlawful. Nor does he asserts employees of the Bureau of Prisons had any involvement in his prison disciplinary conviction. As petitioner's quarrel is with the actions of em-

ployees of North Dakota, and as North Dakota, rather than the Bureau of Prisons, has an interest in whether his prison disciplinary conviction was proper, the court is of the opinion that this petition should be transferred to a forum where a North Dakota state inmate would pursue a petition for writ of habeas corpus. Accordingly, this petition will be transferred to the United States District Court for the District of North Dakota. A transfer order shall be entered in accordance with this memorandum opinion.

SIGNED this 27 day of December, 2007.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE